

VISITS IN UNIFORM BY MEMBERS OF DEFENSE FORCES

*Exchange of notes at Washington March 7, April 5, and June 22, 1939
Entered into force July 1, 1939*

Amended by agreement of May 17 and 29, 1940 ¹

*Superseded September 11, 1941, by agreement of August 28 and
September 4, 1941 ²*

53 Stat. 2439; Executive Agreement Series 157

The Canadian Minister to the Secretary of State

No. 58

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the question of securing permission for individual members of the Canadian Defence Forces to visit the United States in uniform. This question was raised in the final paragraph of a note from Secretary of State dated December 10th 1927. The matter of dispensing with the formality of making application through the diplomatic channel in such cases has received the attention of the interested Canadian authorities.

In the view of the Department of National Defence it is not desirable to dispense with all formality in connection with visits of individual members of the defence forces in uniform from either country to the territory of the other; it is thought to be questionable whether it would be in the national interest to do so and breaches of etiquette or of the law by visitors in uniform are apt to assume a significant importance.

However in referring to the intimation made by the United States authorities that it is unnecessary to make a specific request for permission for individual members of the defence forces in uniform to visit the United States the Department of National Defence is prepared to issue instructions that individuals of the Canadian Militia Service are not to proceed to the United States in uniform, or to wear uniform when in the United States without first obtaining permission from the District Officer Commanding by whom a pass will be given to the individual stating the occasion and the period for which the necessary authority has been granted. In the case of the personnel of the

¹ EAS 233, *post*, p. 180.

² EAS 233, *post*, p. 231.

Royal Canadian Navy and the Royal Canadian Air Force the necessary authorization will be issued from National Defence headquarters.

In outlining the proposed procedure which the Canadian authorities are willing to apply in the future it would be appreciated if the Legation might be informed whether a similar procedure would be acceptable to the competent authorities of the United States Government. The procedure would be that specific requests for permission for individual members of United States Defence Forces to visit Canada need not be made through the diplomatic channel and that individuals of the United States Defence Forces visiting Canada in uniform should obtain the permission of their Corps or other appropriate commander and be prepared to show such "pass" to the Canadian immigration inspector at the port of entry.

It is stated that at the present time the Canadian Immigration authorities do not permit entry of uniformed members of the Forces of another country unless permission has been obtained therefor through the diplomatic channel. In the event however that the proposal outlined above is agreeable to the competent authorities of the United States Government consideration will be given by the Director of Immigration in Canada to the issuance of appropriate instructions to the immigration inspectors along the border.

No change is contemplated at present in the procedure for the admission of organized parties of members of the Defence Forces in uniform from either country to the territory of the other.

It is not desired that the new procedure should apply to visits by individual members of police forces in uniform. The Commissioner of the Royal Canadian Mounted Police to whom the question was referred in connection with visits to the United States of individual members of the force in uniform has stated that the Royal Canadian Mounted Police Rules and Regulations forbid a member of the force to enter the United States in uniform without permission apart from exceptional circumstances. In view of the delay which transmitting a request through the diplomatic channel or securing a pass would entail the Commissioner desires to rely upon the broad statement of the United States authorities referred to in the first paragraph of the present note that a request for permission is not necessary. It is understood however that the crossing of the boundary without specific authority will be reserved for exceptional circumstances and in accordance with the practice that has been followed heretofore in such matters.

Sir Herbert Marler would be grateful to be informed whether the proposed procedure meets with the approval of the competent authorities of the United States Government and in the event that it does to be informed of a date upon which it would be convenient to have the said procedure put into effect.

CANADIAN LEGATION
Washington, D.C.

March 7, 1939

The Secretary of State to the Canadian Minister

The Secretary of State presents his compliments to the Honorable the Minister of Canada and has the honor to acknowledge the receipt of his note no. 58, dated March 7, 1939, concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defense Forces, in uniform, from Canada or the United States to the territory of the other.

The Secretary of State is now in receipt of communications from the interested Federal authorities which state that the procedure suggested by the Canadian Department of National Defence is agreeable to this Government and that individual members of the Defense Forces, in uniform, desiring to visit from Canada or the United States to the territory of the other will obtain special permission from the individual's Commanding Officer for each specific visit, which permission will be evidenced by a written pass showing, in addition, the dates of commencement and termination of the visit, this pass to be shown to the border authorities for entrance into and exit from the territory of the other.

The proposed procedure can be put into effect, July 1, 1939, if such action is agreeable to the Canadian authorities.

DEPARTMENT OF STATE,
Washington, April 5, 1939

The Canadian Minister to the Secretary of State

No. 165

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the Department of State's note of April 5, 1939, and previous correspondence concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defence Forces in uniform from Canada or the United States to the territory of the other country. In the Department's note under reference it was stated that the procedure suggested by the Canadian Department of National Defence was agreeable to the United States Government whereby individual members of the Defence Forces in uniform desiring to visit from Canada or the United States to the territory of the other country would obtain special permission from the individual's Commanding Officer for each specific visit, this permission to be evidenced by a written pass showing in addition the dates of the commencement and termination of the visit. The pass would be shown to the authorities at the International Boundary. It was added that the

proposed procedure could be put into effect on July 1, 1939, if such action were agreeable to the Canadian authorities.

Sir Herbert Marler is instructed to state that it is agreeable to the Canadian Government that the proposed procedure be put into effect on July 1, 1939.

CANADIAN LEGATION
Washington, D. C.

June 22, 1939